IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:		)	
	PECEN et al.	)	Examiner T. Nguyen
		)	
Appl. No.	09/940,762	)	Art Unit 2685
		)	
Confirm. No.	5766	)	
		)	
Filed:	27 August 2001	)	Atty. Docket No. CS99025RL
Title:	"Advice of Charge For Communications Services, Architectures ..."		

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Request for Reconsideration & Claims Pending

The final Official action mailed on 28 July 2006 has been considered carefully. Review of the claimed invention in view of the discussion below is respectfully requested. A Notice of Appeal has been filed concurrently with this Request. Claims 1-23 are pending.

Allowability of Claims Over Blonder

Rejection Summary

Claims 1, 8 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,708,422 (Blonder).

Discussion of Claim 1

Regarding Claim 1, contrary to the Examiner's assertion, Blonder fails to disclose or suggest a

> ... method in communication application, comprising:
> transmitting a request from the communication application to a communication server for a cost to conduct a communication transaction;
> receiving from the communication server, in response to the request, a cost offer for the transaction before the communication application conducts the transaction.

The Examiner's reliance on Blonder is misplaced. Blonder discloses a system for alerting a customer (e.g., sending a notice to a pager or cell phone) that a transaction (e.g., credit/debit card purchase) is pending and requesting confirmation/authorization of the transaction from the customer. In FIG. 1 of Blonder, for example, a merchant initiates a credit card transaction at card reader (101), which communicates with a validation database (106) for transaction authorization. At col. 7, lines 20-38, the validation database (106) sends an authorization request or alert notification to the card holder (via pager, email, cell phone) if a card holder condition has been breached.

In Blonder, none of the entities include an application that transmits a request to a communication server for a cost to conduct a communication transaction. In Blonder, the card reader (101) merely validates a transaction at the validation database (106), which may send an authorization request or an alert to the card holder (e.g., to the pager or cell phone). Claim 1 is thus patentably distinguished over Blonder.

Discussion of Claim 8

Regarding Claim 8, contrary to the Examiner's assertion, Blonder fails to disclose or suggest a

> ... method in a mobile wireless communication device, comprising:
> identifying a wireless transaction at the mobile wireless communication device;
> transmitting a request from the mobile wireless communication device to a network for a cost to conduct the wireless transaction;
> receiving from the network, in response to the request, a cost to conduct the wireless transaction before conducting the wireless transaction.

The Examiner's references to various passages of Blonder do not support the asserted rejection. Blonder discloses a system for alerting a customer (e.g., sending a notice to a pager or cell phone) that a transaction (e.g., credit/debit card purchase) is pending and requesting confirmation/authorization of the transaction from the customer. In FIG. 1 of Blonder, for example, a merchant initiates a credit card transaction at card reader (101), which communicates with a validation database (106) for transaction authorization. At col. 7, lines 20-38, the validation database (106) sends an authorization request or alert notification to the card holder (via pager, email, cell phone) if a card holder condition has been breached. The pager or cell phone in Blonder does not "... identify a wireless transaction ..." or "...request a cost to conduct the wireless transaction...." The pager in Blonder merely receives a transaction authorization request or notification from the validation database. The pager in Blonder also does not receive, "... in response to the request, a cost to conduct the wireless transaction before conducting the wireless transaction." Claim 8 is thus patentably distinguished over Blonder.

Discussion of Claim 17

Regarding Claim 17, contrary to the Examiner's assertion, Blonder fails to disclose or suggest a

> ... method for providing wireless transaction cost information to a wireless communication device, comprising:
> receiving a request at a communication serving system for a wireless transaction cost from the wireless communication device;
> providing a wireless transaction cost to the wireless communication device, in response to the request, before the wireless communication device conducts a wireless transaction for which the cost is provided.

The Examiner's reliance on Blonder is misplaced. Blonder discloses a system for alerting a customer (e.g., sending a notice to a pager or cell phone) that a transaction (e.g., credit/debit card purchase) is pending and requesting confirmation/authorization of the transaction from the customer. In FIG. 1 of Blonder, for example, a merchant initiates a credit card transaction at card reader (101), which communicates with a validation database (106) for transaction authorization. At col. 7, lines 20-38, the validation database (106) sends an authorization request or alert notification to the card holder (via pager, email, cell phone) if a card holder condition has been breached.

In Blonder, none of the entities include receive a request for a wireless transaction cost from a wireless communication device or provide a wireless transaction cost to the wireless communication device, in response to the request, before the wireless communication device conducts a wireless transaction for which the cost is provided. In Blonder, the card reader (101) validates a transaction at the validation database (106), which may send an authorization request or an alert to the card holder (e.g., to the pager or cell phone). Claim 17 is thus patentably distinguished over Blonder.

Prayer for Relief

In view of the discussion above, independent Claims 1, 8 and 17 of the present application are patentably distinguished over the art and are in condition for allowance. The dependent claims are also in in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ R K Bowler /

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